

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

XTRA LEASE LLC, )  
v. Plaintiff, ) Case No.  
JAMES J. PEARSON, )  
Defendant. )

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff XTRA Lease LLC (“XTRA”) moves this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for a temporary restraining order against Defendant James J. Pearson (“Pearson”). In support of its motion, XTRA relies upon the facts and legal claims set forth in XTRA’s Verified Complaint, and the information and arguments in XTRA’s Memorandum in Support of this Motion, and further states as follows:

1. Pearson is a former Branch Manager for XTRA’s branch in Allentown, Pennsylvania (Verified Complaint, ¶¶1, 3). On July 3, 2013, Pearson resigned from XTRA in order to join Premier Trailer Leasing, XTRA’s direct competitor (*Id.*, ¶1). Pearson engaged in significant pre-departure misconduct, emailing to his personal email address and copying onto a portable electronic storage device very significant confidential, competitively-valuable, and trade secret information of XTRA (See, e.g., *id.* ¶¶60, 64-65, 67-88, 92, 95-96).
2. XTRA is subject to immediate and irreparable injury if Pearson is permitted to keep, use or disclose XTRA’s confidential, competitively-valuable, and trade secret information. Monetary damages cannot fully or adequately compensate XTRA for the injury caused, and which could be caused, by Pearson’s misconduct. XTRA is likely to succeed on the merits of its claims.

WHEREFORE, for the reasons set forth in this Motion, the related Memorandum in Support, and the Verified Complaint, XTRA respectfully requests that this Court grant its motion for a temporary restraining order and enter the proposed Order submitted with this motion.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the forgoing was sent via e-mail and first-class mail, postage prepaid this 12th day of August, 2013, to the following:

James J. Pearson  
4329 Biddleford Circle  
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**Defendant**

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**Attorney for Defendant**

/s/ Mark S. Deiermann